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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,665	08/26/2003	Armon Alexander	10816-6US	3924

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2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,665

Applicant(s)

ALEXANDER ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3, 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claims 1 and 4 are objected** to because of the following informalities:

- Claim 1 Line 1, change "A automatic" to -An automatic-.
- Claim 4 Line 1, change "according to claim 1" to -according to claim 3-.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. **Claim 4 is rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "The mechanism according to claim 1, wherein the trigger lever engaging arm" in line 1. However, claim 1 do not gives a proper antecedent of basis for this limitation; claim 3 is the claim that gives the proper antecedent of basis for the trigger lever-engaging arm. Therefore, in order to continue with the examination, claim 4 will be treated as depending from claim 3 (see claim objection above).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3676

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1,5 and 6 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,941,581 to Heithe.

Regarding claims 1,5 and 6, Heithe discloses an automatic deadbolt mechanism comprising a deadbolt (3). The deadbolt (3) is movable between a retracted deadbolt position and an extended deadbolt position. The deadbolt is biased in the extended deadbolt position (by means of spring 39).

An auxiliary latch (5) is movable between a retracted auxiliary-latch position and an extended auxiliary-latch position. The auxiliary latch is biased in the extended auxiliary-latch position (by means of spring 25).

A trigger (9) is movable between a first trigger position and a second trigger position. The trigger is biased in the first trigger position (by means of spring 13).

The trigger (9) is operatively coupled to the deadbolt (3) and to the auxiliary latch (5). The trigger is configured to be in the first trigger position when the auxiliary latch is in the extended auxiliary-latch position (Figure 1) and in the second trigger position when the auxiliary latch is in the retracted auxiliary-latch position (Figure 4), to cause a first movement of the deadbolt from the retracted deadbolt position to the extended deadbolt position when the trigger moves from the first trigger position to the second trigger position, and to require movement of the auxiliary latch a predetermined distance from the retracted auxiliary latch position toward the extended auxiliary-latch position before the trigger is able to cause a second movement of the deadbolt.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. **Claims 1,2,5 and 6 are rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,578,888 to Fayngersh et al (Fayngersh).

Regarding claims 1,5 and 6, Fayngersh discloses an automatic deadbolt mechanism comprising a deadbolt (36). The deadbolt (36) is movable between a retracted deadbolt position and an extended deadbolt position. The deadbolt is biased in the extended deadbolt position (by means of spring 64).

An auxiliary latch (40) is movable between a retracted auxiliary-latch position and an extended auxiliary-latch position. The auxiliary latch is biased in the extended auxiliary-latch position (by means of spring 146).

A trigger (110) is movable between a first trigger position and a second trigger position. The trigger is biased in the first trigger position (by means of spring 134).

The trigger is operatively coupled to the deadbolt and to the auxiliary latch. The trigger is configured to be in the first trigger position when the auxiliary latch is in the extended auxiliary-latch position (Figure 2) and in the second trigger position when the auxiliary latch is in the retracted auxiliary-latch position (Figures 3 and 4), to cause a first movement of the deadbolt from the retracted deadbolt position to the extended deadbolt position when the trigger moves from the first trigger position to the second trigger position, and to require movement of the auxiliary latch a predetermined distance from the retracted auxiliary latch position toward the extended auxiliary-latch position before the trigger is able to cause a second movement of the deadbolt.

As to claim 2, Fayngersh discloses that the deadbolt mechanism further comprises a deadbolt holding lever (68) biased in a first deadbolt holding-lever position and pivotable between the first deadbolt holding-lever position and a second deadbolt holding-lever position. The deadbolt-holding lever is configured to releasably retain the deadbolt in the retracted deadbolt position when the deadbolt-holding lever is in the first deadbolt holding-lever position (Figure 6).

A release lever (150) is biased in a first release-lever position and pivotable between the first release-lever position and a second release-lever position (by means of the spring 156). The release lever is configured to cause the deadbolt-holding lever (68) to pivot from the first deadbolt-holding-lever position toward the

second deadbolt-holding-lever position when the release lever pivots from the first release-lever position toward the second release-lever position.

The trigger (110) is operatively coupled to the release lever (150) and is configured to cause a first pivot of the release lever from the first release-lever position to the second release-lever position when the trigger pivots from the first trigger position to the second trigger position, and to require movement of the auxiliary latch a predetermined distance from the retracted auxiliary-latch position toward the extended auxiliary-latch position before the trigger is able to cause a second pivot of the release lever.

Allowable Subject Matter

8. **Claims 3 and 7 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 would be also allowed if the applicant properly change the dependency of the claim, see claim objection above.

At this moment, claim 4 was treated as depending from claim 3.

Reasons For Allowable Subject Matter

9. The following is an examiner's statement of reasons for allowable subject matter:

Claims 3 and 7 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the trigger lever is pivotally connected to the auxiliary-latch lever.

Art Unit: 3676

Fayngersh discloses that the trigger (110) has a trigger lever (118); however, this lever is not pivotally connected to the auxiliary-latch lever (112).

Heithe also fails to disclose that the trigger lever is pivotally connected to the auxiliary-latch lever. Further, claim 3 depends from claim 2, and Heithe fails to disclose that the deadbolt holding lever pivots; Heithe disclose that the deadbolt holding lever (at 31) slides.

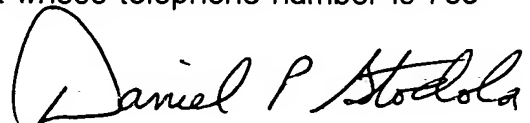
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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C.L.

Carlos Lugo

AU 3676

Nov. 19, 2004